

REMARKS

The Office has required restriction in the present application as follows:

- Group I:        Claims 1-4, 6-10, 26 and 27, drawn to a membrane and a method of using the membrane;
- Group II:       Claims 5, 11-25, drawn to a membrane and a method of making the membrane.

Applicants elect with traverse, Group I, Claims 1-4, 6-10, 26 and 27, drawn to a membrane and a method of using the membrane. As a single species, Applicants elect a membrane as obtained by treating a nonwoven having a porosity of more than 50% and a thickness of 30 $\mu$ m as described in Example 7.

The Examiner has listed Groups I and II as not relating to a general inventive concept under PCT Rule 13.1 and under PCT Rule 13.2 because they lack the same or corresponding special technical features required. The special technical feature is that the coating of Group II is a metal selected from the group of Al, Zr, Si, Ti and Y and mixtures thereof not found in invention Group I.

Applicants respectfully traverse the Restriction Requirement on the ground that no adequate reasons or examples have been provided to support a conclusion of patentable distinction between the identified groups or shown that a burden exists in searching all of the claims. Applicants point out that the "special technical features" required by PCT Rule 13.2 are those special features which make a contribution over the prior art. Since the Examiner has not shown what "special technical features" in invention Groups I and II are shown in the prior art, the Examiner has not made a proper restriction and the restriction should be withdrawn.

Applicants further do not understand why claim 5 was put in Group II while all of the other membrane claims belong to Group I, since the limitations of claim 5 are generically claimed in invention Group I. Furthermore, claims 11-25 in invention Group II are

Application No. 10/501,713  
Reply to Office Action of March 21, 2006

dependent on the claims of membrane Group I. Therefore, the restriction is improper and should be withdrawn.

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

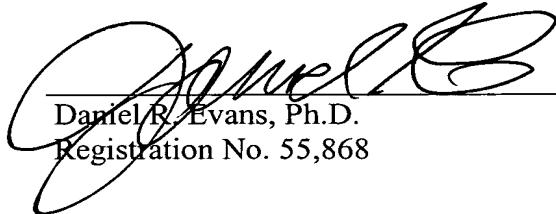
Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)



Daniel R. Evans, Ph.D.  
Registration No. 55,868